

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to logo signing and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 118, “Logo Signing,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 306C.11 and 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 306C.11.

Purpose and Summary

This proposed rule making adds a definition of “ramp” to aid in the comprehensibility of the three types of signs (mainline, ramp and trailblazing) involved in the logo program, corrects the name of the Traffic and Safety Bureau, lowers the qualifying standards for restaurants, and expands the attraction category to allow event stadiums to qualify for logo signing. The following paragraphs further explain the proposed amendments to Chapter 118.

The proposed amendments reduce the required minimum hours of operation for food service businesses to qualify for logo signing from 48 hours to 40 hours per week. While most food service businesses exceed the current required minimum hours of operation, some smaller businesses in rural areas may benefit from having the minimum qualifying threshold reduced. Motorists are generally accustomed to checking mobile devices for restaurant information before traveling too far off the main highway to a restaurant that is unfamiliar to them.

Additionally, the proposed amendments reduce the minimum number of meals required per day from three to two for food service businesses to qualify for logo signing. Although the primary purpose of the signing program is to provide helpful and reliable motorist service information, most travelers recognize that certain types of restaurants (pizzerias, steakhouses and pubs) may not be open for breakfast, while others (coffee houses and bakeries) may not be open for evening meal service. Furthermore, the use of mobile devices and vehicle-equipped intelligent systems has increased, allowing for instant access to current information about businesses. Aside from these factors, the existing service panels already display a mix of business signs for two- and three-meals-per-day providers due to the availability of the current exceptions within paragraph 118.4(4)“b” and subparagraphs 118.4(11)“a”(4) and 118.4(11)“d”(1) for the two-meal-per-day providers. The proposed amendments eliminate these exceptions because they will be no longer necessary.

Finally, the proposed amendments expand the provision for racetracks within the “attractions” category to include stadiums, coliseums and arenas, provided the seating capacity is at least 5,000. There are times when effective signing options for major event venues are needed, and these facilities often generate significant traffic volumes during events.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 5, 2021. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear oral presentations will be held on January 8, 2021, via conference call from 10 to 11 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 5, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definition of "Ramp" in rule **761—118.2(306C)**:

"Ramp" means the exit lane which carries decelerating traffic away from the mainline of an interstate or a freeway-primary highway.

ITEM 2. Amend subrule 118.4(4) as follows:

118.4(4) Food.

a. *Qualifications.* To qualify for placement of a business sign on a food specific service sign, the business must:

- (1) No change.
- (2) Operate a minimum of ~~eight~~ 40 hours per ~~day~~ week, six days per week, and serve ~~three~~ at least two of the following meals per day: breakfast, lunch, ~~and~~ or dinner.

1. to 3. No change.

(3) to (5) No change.

~~*b. Exceptions.* A business that serves only two meals per day may be granted an exception, in accordance with subrule 118.4(11), from the requirement to serve three meals per day.~~

~~*e. b. Seasonal operations.* Food service may be operated seasonally. See subrule 118.5(7) for the fee options for seasonal operations.~~

ITEM 3. Amend subparagraph **118.4(7)“a”(5)** as follows:

(5) Maintain normal business hours at least five days per week, totaling at least 40 hours per week. ~~Racetracks~~ Facilities listed in subparagraph 118.4(7) “c”(12) are excepted from this requirement.

ITEM 4. Amend subparagraph **118.4(7)“c”(12)** as follows:

(12) ~~Racetrack for horses, dogs, or motorized vehicles~~ Stadium, coliseum, arena or racetrack with a seating capacity of at least 5,000.

ITEM 5. Rescind subparagraph **118.4(11)“a”(4)**.

ITEM 6. Amend paragraph **118.4(11)“d”** as follows:

d. After the five-year period has expired and at the end of the fiscal year, the department may remove the business sign from the specific service sign if:

(1) An exception was granted for maximum distance from the exit, ~~number of meals served~~ or a card-operated fueling station; an application has been received from a qualified business providing the same type of motorist service as the business granted the exception; and space is not available on that specific service sign.

(2) No change.

ITEM 7. Amend paragraph **118.5(1)“a”** as follows:

a. A business requesting placement of a business sign upon a mainline specific service sign shall submit a completed application form, provided by the department, along with the application fee, to the Advertising Management Section, ~~Office of Traffic and Safety Bureau~~, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.